

Judge Eric R. Komitee  
U.S.D.J.  
Eastern District of New York  
225 Cadman Plaza East  
Brooklyn, NY

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APR 10 2023

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U.S. DISTRICT COURT E.D.N.Y.

★ APR 10 2023 ★

BROOKLYN, N.Y.

RE 22-CV-766-EK Schulte v. Warden MDC  
AND  
22-CV-0584-EK Schulte v. United States

Dear Judge Komitee:

The MDC has taken additional action against me — I am no longer permitted pens and cannot buy them in commissary. I am no longer permitted paper and cannot ~~buy~~ buy any in commissary. And I am ~~not~~ restricted to 1 stamp purchase per month. This is all in retaliation for my multiple civil suits and repeated attempts at administrative remedies (which I can no longer even ~~try to file~~ without a pen). This warden at MDC has lost his mind and has an Adolf Hitler complex and absolutely destroys any and all attempts to seek legitimate redress. He refuses to even speak to me now.

This is likely to be the last letter the court ever sees from me. I BEG You to reign in this warden, and to grant my 28 USC § 2241 petition filed over a year ago. If the states tried to do what MDC is now doing to me, the federal courts would step in & smack the State government back to reality. But for whatever reason, the federal courts give pause when it's the federal prisons raping the Constitution. Your allegiance should be to the Constitution alone. Please stand up against tyranny & oppression. Please help me. Please grant the ~~the~~ attached ~~my~~ motion for injunction, and ultimately the 28 USC § 2241 petition itself.

P.S. Just to make sure there is no misunderstanding, the warden has not instituted these restrictions prison-wide. It is only the SAMs unit — hence a violation of the Due Process clause because these restrictions are not only arbitrary with no penological interest but are unjustly and arbitrarily applied to a subset of the prison population.

Thanks,  
Terry Schulte

3/24/23

- Schulte v. Warden, MDC - 22-cv-766-EK - March 24, 2023  
MOTION FOR EMERGENCY INJUNCTION

Mr. Schulte filed the pending 28 U.S.C. § 2241 petition in January 2022 seeking relief from torture and other conditions of confinement imposed arbitrarily in violation of the Due Process Clause of the 5th Amendment as well as other constitutional provisions. One form of arbitrary punishment included in the petition was the arbitrary restriction of commissary. Beginning in March 2023 the MDC decided to fully ban commissary from SAMs inmates including buying pens, paper, and limiting stamp purchases to one per month. The Warden of MDC imposed these arbitrary restrictions in retaliation against Mr. Schulte's repeated requests and arguments for normalizing SAMs commissary among countless other issues. Mr. Schulte filed administrative remedies (BPRs), but the MDC has refused to answer his BPRs for over a year and blocks Mr. Schulte from engaging in the administrative remedy process.

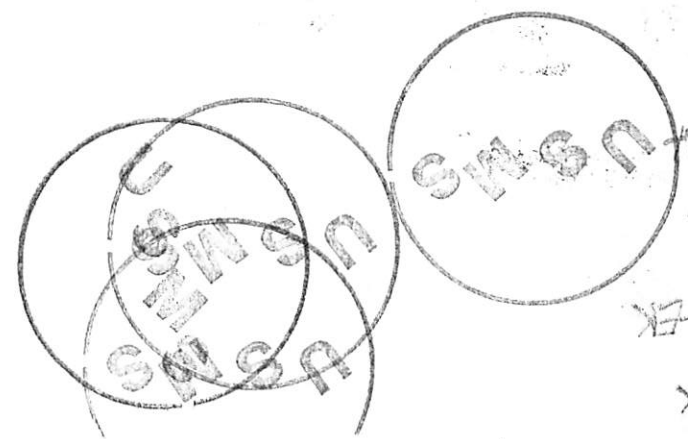
Regardless the bans of pens, paper, and stamps renders ~~to the~~ access to the courts unavailable in violation of Supreme Court precedent. It also violates the Due Process Clause because the impositions of these restrictions are targeted at SAMs inmates and are arbitrary — there is no legitimate penological interest in imposing these restrictions nor in treating SAMs inmates differently from general population. Finally, these commissary bans violate federal regulations as 28 CFR 54.31(a)(1) requires those in administrative segregation with "reasonable access to the commissary."

Accordingly, the Court should grant this emergency injunction requiring the MDC to normalize SAMs commissary so ~~it~~ it is equal to that of general population, and allow Mr. Schulte to be shipped pens, paper, and stamps forthwith so he can engage meaningfully with the courts and enjoy the same access as general population and other inmates at MDC consistent with the Due Process Clause.

3/24/23 Josh Schulte

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